

# Order

Michigan Supreme Court  
Lansing, Michigan

June 29, 2011

Robert P. Young, Jr.,  
Chief Justice

142694

Michael F. Cavanagh  
Marilyn Kelly  
Stephen J. Markman  
Diane M. Hathaway  
Mary Beth Kelly  
Brian K. Zahra,  
Justices

WILLIAM UMPHREY,  
Plaintiff-Appellee,

v

SC: 142694  
COA: 299243  
WCAC: 08-000187

GENERAL MOTORS CORPORATION,  
Defendant-Appellant.

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On order of the Court, the application for leave to appeal the January 20, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), we REMAND this case to the Workers' Compensation Appellate Commission (WCAC) for additional analysis of the defendant's argument related to the application of MCL 418.361(1). The WCAC erred in summarily rejecting the defendant's contention that an evaluation was required pursuant to *Lofton v AutoZone, Inc.*, 482 Mich 1005 (2008). If it is determined that the plaintiff is only partially disabled, then a calculation of wage loss benefits must be made pursuant to MCL 418.361(1), and the WCAC should in that event modify the plaintiff's award accordingly.

We do not retain jurisdiction.

HATHAWAY, J., would grant leave to appeal.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 29, 2011

*Corbin R. Davis*

Clerk